

Notice of Allowability

Application No.

09/743,127

Applicant(s)

LOTH ET AL.

Examiner

Jeanne-Marguerite Goodwin

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to amendment filed Dec. 2, 2004.
2. ☒ The allowed claim(s) is/are 1-3, 5-7 and 10-15.
3. ☒ The drawings filed on 02 December 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Reason for Allowance

1. The following is an examiner's statement of reasons for allowance:

The reference to US Patent 428,588 to Barrett shows a timepiece intended for defining a location longitude comprising a case closed by a back cover, in which are disposed a wheel (B) completing one revolution in 12 hours and carrying an hour hand, a wheel (B') completing one revolution in one hour and carrying a minute hand and a dial (A) characterized in that it further includes a inner ring (a) for reading longitude, bearing an origin and, therefrom, a longitude scale in degrees covering 180° over the over the periphery of the longitude scale and an outer ring (b) divided into divisions of longitude corresponding to the number of minutes of time, whereby each indicated minute on the dial indicates 15 miles of longitude. Applicant's claimed invention comprises a case (10) closed by a back cover (40), in which are disposed a wheel (16) completing one revolution in 12 hours and carrying an hour hand (24), a wheel (18) completing one revolution in one hour and carrying a minute hand (28) and a dial (32) characterized in that it further includes a rotatable ring (44) for reading longitude, bearing an origin (47) and, therefrom, a longitude scale (45) in degrees covering 180° over the periphery of the longitude scale (45), in that the dial (32) is equipped with a time zone scale (33) for selecting a time zone, with a median point (35) corresponding to the top point of the dial, the time zone scale (33) covering 12 hours over the periphery of the time zone scale (33), each hour on the time zone scale (33) representing 15° on the longitude scale (45), and the origin (47) is aligned with the median point (35), the value of a number on the longitude scale (45) being equal to an absolute value of the opposing hour mark on the time zone scale; and a calendar indicator (54) in polar co-ordinates, with an annular indication of the months and days of the year and a radial indication in the shape of a

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curve (50) relative to the equation of time, and an index (48) mounted to move in rotation opposite the calendar indicator (54) and bearing a reading scale (52) for determining the equation of time. Furthermore, applicant's claimed invention includes a prism device for determining the sun's altitude above the horizon including a slot (70) for defining a light ray of small section, a frosted surface (78) onto which said ray is projected. Moreover, the timepiece of Barrett does not have a dial equipped with a time zone scale, a calendar indicator in polar co-ordinates and a prism device and there seems to be no motivation to modify the device shown in Barrett to accommodate a dial equipped with a time zone scale for indicating a particular time zone, a calendar indicator for indicating months and days of the year or a prism for determining the sun's altitude.

Claims 2, 3, 5-7, 10 and 12-15 have been found to be allowable a being dependent upon the allowable claims 1 and 11, respectively.

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 disclose related devices. US Patent 4,387,999 to Shelley discloses a device using a sundial for determining the azimuths and distance between the maximum and minimum altitudes of the sun in the sky at each hour throughout the year at predetermined latitudes collimate the sunlight once each hour.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeanne-Marguerite Goodwin whose telephone number is (571) 272-2104.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

JGM
02/24/05

KAMMIE CUNEO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY 2800



KAMAND CUNEO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800